IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

CRP.No. 856 of 2007

S.R. NO.795/1973 OF TALUK LAND BOARD, PERINTALMANNA.

REVISION PETITIONER:

1. **AMBATTU MOHAMMED HAJI, S/O.MAMMED HAJI, RESIDING AT MELATTU AMSOM, EDAYATTUR DESOM, P.O.EDAYATTUR, MALAPPURAM DISTRICT.**
2. **AMBATTU HAMZA, S/O.MAMMED HAJI, RESIDING AT -DO- -DO-**
3. **AMBATTU ABOOBACKER HAJI, S/O. -DO-, RESIDING AT -DO- -DO-**

BY ADV. SRI.T.SETHUMADHAVAN, SRI.KODOTH PUSHPARAJAN, SRI.K.JAYESH MOHANKUMAR.

RESPONDENTS:

1. **THE TALUK LAND BOARD, PERINTHALMANNA, REPRESENTED BY ITS CHAIRMAN.**
2. **THE TAHSILDAR, NILAMBOOR.**
3. **THE VILLAGE OFFICER, THUVVUR.**
4. **STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM.**

BY GOVT. PLEADER SMT. R. BINDU.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 27/09/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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C.R.P. No.856 OF 2007

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Dated this the 27th day of September 2007

ORDER

This revision petition is preferred against the order of the Taluk Land Board, Perinthalmanna in S.R.No.795/1973. The only point canvassed before me in the C.R.P. is regarding the status of Sri.Abu, who is one of the sons of Ambat Mammad Haji. As per Document No.134/76 the declarant Ambat Mammed Haji had sold 8 acres of land in Sy.No.822/1 to his 4 sons, viz., Ambat Mohammed Haji, Abdu, Hamza and Abu. The Taluk land Board found that the first 3 alone are majors and that Sri.Abu was a minor as on 1.1.1970 and therefore he will come within the definition of the statutory family of Ambat Mammed Haji and therefore only deleted six acres of land and added 2 acres of land for computing the ceiling area of Ambat Mammed Haji. Learned counsel for the petitioners submits before me that the age of Sri. Abu as described in 1976 document is 25 years and therefore in the year 1970 he had already attained the age of 19 years and as he has crossed the age of 18 years he has become a major and therefore his share in the property cannot be taken into consideration for fixing the ceiling limit of his

father. Or, in other words, on attainment of majority, he ceases to be a member of the statutory family, as defined under the Kerala Land Reforms Act. The Taluk Land Board has not given any materials for finding that Abu was a minor as on 1.1.1970. The document relied on proves that he was a major. So it is only just that the finding of the Taluk Land Board that Abu was a minor as on 1.1.1970 is to be set aside and the matter is remitted back to the Taluk Land Board, Perinthalmanna for fresh consideration of the said point. Petitioners are given opportunity to produce both documentary and oral evidence before court in support of their contentions and thereafter the Land Board can dispose of the matter. Therefore the order under challenge with respect to 2 acres of land claimed by Sri.Abu alone is to be considered.

C.R.P. is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-